

# **Town Board Minutes**

**Meeting  
No.12**

**Regular Meeting**

**April 17, 2006**

## ***Town Board Minutes***

April 17, 2006

Meeting No. 12

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of April 2006 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER\*  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RONALD RUFFINO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
NICHOLAS LO CICERO, ACTING TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

Council Member Stempniak arrived at 8:40 P.M.

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK, to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:06 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- parking on Transit Blvd
- grant applications

**Chowanice, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- federal & state grants
- town water system repairs

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- Aurora Market

**Korcz, Richard**, 4046 William Street, spoke to the Town Board on the following matter:

- Aurora Market

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendments to the V&T Ordinance regarding parking, standing and stopping on Central Avenue and parking of vehicles in excess of 12,000 pounds on Transit Blvd.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Police Chief Gary Stoldt		Questions

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

April 17, 2006

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and  
the Planning Board held April 3, 2006 and the Regular Meeting of the Town Board held April 3,  
2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Highway Superintendent, by letter dated April 5, 2006, has requested the appointment of a seasonal employee in the Highway Department of the Town of Lancaster for the summer season of 2006, and

**WHEREAS**, the Highway Superintendent has also requested an early appointment of this seasonal employee due to a regular employee being out because of illness for an indefinite period of time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Timothy Gwarak, 803 Erie Street, Lancaster, New York 14086 is appointed to the position of seasonal employee for the summer season of 2006 in the Highway Department of the Town of Lancaster, with no benefits, effective April 18, 2006 through May 7, 2006, two (2) days per week (16 hours) and beginning May 8, 2006 five (5) days per week (40 hours) at the hourly rate of \$8.75 per hour.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: Rpers seasonal wpd (P11)

THE FOLLOWING RESOLUTION WAS OFFERED  
COUNCIL MEMBER MONTOUR, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, Namco Cybertainment Inc., 877 Supreme Drive, Bensenville, Illinois, 60106, has applied for a license to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Chief of Police for review and recommendation, and

**WHEREAS**, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be and is hereby authorized to issue a license to Namco Cybertainment, Inc. to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, Lancaster, New York, and

**BE IT FURTHER**

**RESOLVED**, that said license shall be issued for the **one (1) year** period of April 1, 2006 to March 31, 2007 in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$840 for twelve (12) amusement devices.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: RLICENSE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the General Crew Chief, by letter dated April 10, 2006 has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals are hereby appointed to the position of seasonal employee for the summer season of 2006 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Matt Davis (rehire) 695 Schwartz Road, Lancaster	Laborer	\$7.00 hr.
Nicholas Pokorski (rehire) 703 Pleasant View Drive, Lancaster	Laborer	\$7.00 hr.
Katelyn Banach (rehire) 25 Southwest Pkwy., Lancaster	Lifeguard	\$7.25 hr.
Kelsie Blizzard (new hire) 43 Creekwood Drive, Lancaster	Lifeguard	\$6.75 hr.
Sheralyn Casey (rehire) 1 Robert Drive, Apt. 9, Lancaster	Lifeguard	\$7.25 hr.
Alyson Crawford (rehire) 5 Hemlock Lane, Lancaster	Lifeguard	\$7.75 hr.
Marikate Ellis (rehire) 14 Pheasant Run Lane, Lancaster	Lifeguard	\$8.00 hr.
Megan Geblein (rehire) 14 Linden Avenue, Lancaster	Lifeguard	\$8.00 hr.
Emily Grucella (new hire) 3 Harold Place, Lancaster	Lifeguard	\$6.75 hr.
Brian Harder (new hire) 14 Hunters Drive, Lancaster	Lifeguard	\$6.75 hr.
Jessica Jaroszewski (new hire) 31 Roosevelt Avenue, Lancaster	Lifeguard	\$6.75 hr.
Darren Jurewicz (rehire) 5091 William Street, Lancaster	Lifeguard	\$7.75 hr.
Austin Kelm (rehire) 153 Hinchey Avenue, Lancaster	Lifeguard	\$7.50 hr.



<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Jim Leary (new hire) 19 Hill Valley Drive, Lancaster	Lifeguard	\$6.75 hr.
Ashley Leon (rehire) 1 Matthews Drive, Lancaster	Lifeguard	\$7.50 hr.
Scott McLaughlin (new hire) 67 Holland Avenue, Lancaster	Lifeguard	\$6.75 hr.
Rachel Morgante (new hire) 141 Pleasant View Drive, Lancaster	Lifeguard	\$6.75 hr.
Stephanie Myszka (new hire) 32 Partridge Walk, Lancaster	Lifeguard	\$6.75 hr.
Amanda Poe (rehire) 15 Windsor Ridge Drive, Lancaster	Lifeguard	\$8.50 hr.
Robert Prawel (rehire) 15 Veterans Drive, Lancaster	Lifeguard	\$7.25 hr.
Alexander Rindo (new hire) 500 Lake Avenue, Lancaster	Lifeguard	\$6.75 hr.
Allison Swatsworth (new hire) 794 Ransom Road, Lancaster	Lifeguard	\$7.00 hr.
Jamie Volkenner (new hire) 62 Aurora Street, Lancaster	Lifeguard	\$6.75 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: Rpers seasonal (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the submission by Police Captains Timothy Murphy and Riccardo Zuppelli for payment of compensatory hours worked during the calendar year 2005, and

**WHEREAS**, the Town Board has determined that with the change in the terms of the Collective Bargaining Agreement between the Town and the Police Benevolent Association and the further extension of benefits to the Police Captains that it is now appropriate to pay the Captains up to 48 hours of earned compensatory time for the year 2005;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Director of Administration and Finance to make payment to Captain Timothy Murphy for 39 hours compensatory time earned during the year 2005 and to Captain Riccardo Zuppelli for 48 hours compensatory time earned during 2005 in compliance with extension of benefits provided to the Police Captains for the year 2005.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: rcompensationtime406

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, a Public Hearing was held on the 17th day of April, 2006 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on April 17, 2006;
3. That a Certified Copy thereof be published in the Lancaster Bee on April 20, 2006;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006  
File: rvtordchpt46naparkingcentralavenue306a

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE X - Parking, Standing and Stopping.**

**§46-14.      Parking time limited in designated locations, is hereby amended by adding thereto the following:**

.....

**B.    The parking of a vehicle is hereby prohibited in the following locations between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday.**

- (1)      On the west side of Central Avenue from a point 215 feet south of the south curb line of Country View Way to a point 270 feet north of the curb line of Kennedy Court.**
- (2)      On the west side of Central Avenue from a point 150 feet south of the curb line of Kennedy Court to a point 270 feet north of the north curb line of Columbia Avenue.**
- (3)      On the east side of Central Avenue from the north curb line of Walden Avenue to the south curb line of Pleasantview Drive.**

**and**

**§46-15.      Parking of vehicles in excess of 12,000 pounds, is hereby amended by adding thereto the following:**

.....

**B.    On the following roads not in subdivisions within the Town of Lancaster:**

- (1)      .....**
- (2)      Transit Boulevard**

**April 17, 2006**

**STATE OF NEW YORK    :  
COUNTY OF ERIE       :       ss:  
TOWN OF LANCASTER    :**

**THIS IS TO CERTIFY** that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 17th day of April, 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 17th day of April, 2006.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, Richard Reese, has advised the Town Board that the Highway Department no longer has use for a 1999 Hyundai wheel loader upon the Highway Department having taken delivery of a new John Deere 624J wheel loader and he has requested that the Town Board therefore deem the 1999 Hyundai wheel loader to be surplus property and permit the Highway Superintendent to offer this equipment at a public auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned property to be surplus property and permit a public auction of same;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned 1999 Hyundai wheel loader to be surplus property and authorizes the Highway Superintendent to cause the public auction of the beforedescribed property at a public auction as deemed appropriate by the Highway Superintendent with the funds received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File thighwayauctionofsurplus406

**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Highway Department has a 1999 Hyundai wheel loader which is deemed surplus equipment and will be auctioned at the Palmyra Municipal Equipment Auction by Roy Teitsworth, Inc. at 6502 Barber Hill Road, Geneseo, New York 14454 on May 20, 2006 at 9:00 AM.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, grant monies are available through the New York State Unified Court System to enhance the operation of municipal Justice Courts.

**NOW THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPLAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Buckle Up New York Program (BUNY) to improve enforcement of seat belt use, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Selective Traffic Enforcement Program (STEP) to reduce unsafe driving behaviors within the Town, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving.

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, grant monies may be available via Senator Dale Volker and/or  
State Assembly Majority Leader Paul Tokasz to clear debris from Ellicott Creek, and

**WHEREAS**, removal of the debris would enable the creek waters to flow  
unimpeded during times of high water thereby reducing flooding.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants,  
be authorized and directed to complete the necessary application, forms, etc. to be submitted  
to Senator Volker and Assembly Majority Leader Tokasz for the purpose of securing this  
grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to  
execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, grant monies may be available via Congressman Thomas Reynolds to renovate the recently acquired police/justice court building, and

**WHEREAS**, renovation of the facility will enable the Town's Police Department and Justice Court to function more efficiently.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to Congressman Reynolds for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, grant monies may be available via Congressman Thomas Reynolds to replace fourteen water mains and construct four new water mains, and

**WHEREAS**, improvements to the water delivery system will enhance operations and increase service to the commercial development at the corner of Transit Road and Wehrle Drive and the Hillview area of Town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc to be submitted to Congressman Reynolds for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, grant monies may be available via Congressman Thomas Reynolds to repair sewer lines in Town Sewer District #1 and Town Sewer District #2, and

**WHEREAS**, upon completion of the repairs, the two sewer districts will be incorporated into the larger Erie County Sewer District #4, enabling the cost of future repairs to be borne by a larger population.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc to be submitted to Congressman Reynolds for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, grant monies may be available through the New York State Division of Criminal Justice Services to increase police enforcement efforts, and

**WHEREAS**, grant monies may be used to pay overtime costs associated with increased enforcement activities.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has by Town Board resolution of August 15, 2005 memorialized State, County and Federal Legislators of the Town of Lancaster's opposition to the retention of toll barriers at the Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges and has determined that it is in the public interest to reaffirm that resolution in light of the fact that U.S. Congressman Brian Higgins has advanced an effort to remove several of the beforementioned toll barriers by publicly calling on Governor George Pataki to undertake action to cause the New York State Thruway Authority to remove toll barriers in the Buffalo area and therefore the resolution is affirmed as follows:

**WHEREAS**, the New York State Thruway Authority (NYSTA) is a public benefit corporation organized under the laws of the State of New York, whose three commissioners are appointed by the Governor, and

**WHEREAS**, in the immediate Buffalo area the NYSTA maintains toll barriers at the Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges, and

**WHEREAS**, these beforementioned toll barriers act as a commuter tax on persons residing in the Buffalo area and are an added tax on commerce in the Buffalo metropolitan area which has not only immediate monetary ramifications for intrastate and interstate travel into and out of the various areas of Western New York but also causes undue delay to commercial traffic which has an adverse impact upon operational and financial aspects of commerce, and

**WHEREAS**, if the NYSTA and the Governor are not inclined to eliminate these toll barriers because of some misguided idea that commuters in the Buffalo area should have to pay for these highways then they should at least recognize the detrimental impact these toll barriers pose to intrastate and interstate commerce which by slowing down commercial traffic causes undue delay in the shipment of goods, increases the amount of fuel consumed, adversely affects air quality in the Buffalo area, and, is viewed as one more "hidden tax" which can negatively impact the way the Buffalo area and the State of New York are viewed by out of area businesses which might otherwise choose to locate here, and

**WHEREAS**, the Western New York area shares an extremely busy front point with commerce moving to and from the Province of Ontario, Canada and it being critical to assist in the movement of commerce between our two nations and for the State of New York to fulfill its role in improving the flow of commerce which can have a defined positive impact on the economy of the Niagara Frontier, and

**WHEREAS**, the Town Board of the Town of Lancaster desires to make public its opposition to the continuation of tolls at the Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby memorializes the Governor and the Commissioners of the New York State Thruway Authority to remove the toll barriers at Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges which removal will afford the easier passage of commerce and commuters through the Western New York area which in turn will be beneficial to the economy of Western New York and New York State as a whole, and

**BE IT FURTHER**

**RESOLVED**, that certified copies of this resolution be transmitted to Governor George Pataki, Attorney General Eliot Spitzer, Senator Charles Schumer, Senator Hillary Rodman Clinton, Honorable Thomas Reynolds, Honorable Jack Quinn, Honorable William Stachowski, Honorable Dale Volker, Honorable Mary Lou Rath, Honorable Robin Schimminger, Honorable Crystal Peoples, Honorable Paul Tokasz, Honorable Sam Hoyt, Honorable Brian Higgins, Honorable James Hayes, County Executive Joel Giambra, Mayor Byron W. Brown, County Clerk David Swarts, Erie County Legislator Kathy Konst, New York State Thruway Authority Executive Director Michael Fleischer, Chairman of the NYSTA John Buono and Executive Director of the Greater Buffalo Niagara Regional Transportation Hal Morse.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File newyorkstatetolls406



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Director of Administration and Finance, to wit:

Claim No. 1738 to 1976 Claim No. Inclusive

Total amount hereby authorized to be paid: \$373,127.69

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13519	Grandview Constr	25 Como Park Blvd	Er. Shed	
13520	Colley's Pool Sales	15 Buckingham Ct	Er. Pool-In Grnd	
13521	Colley's Pool Sales	15 Buckingham Ct	Er. Fence	
13522	Duro Shed Inc	290 Warner Rd	Er. Shed	
13523	Majestic Pools Inc	614 Hall Rd	Er. Fence	
13524	Majestic Pools Inc	614 Hall Rd	Er. Pool-In Grnd	
13525	Majestic Pools Inc	29 Chestnut Corner	Er. Fence	
13526	American Fence	17 Fox Hunt Rd	Er. Fence	
13527	Duro Shed Inc	5 Sugar Mill Ct	Er. Shed	
13528	Forbes-Capretto Homes	28 Sawgrass Ln	Er. Dwlg.-Sin.	
13529	Forbes-Capretto Homes	47 Sawgrass Ln	Er. Dwlg.-Sin.	
13530	Dean Sutton Architects	5354 Genesee St	Er. Comm. Alt.	
13531	Barbi, John	16 Old Post Rd	Er. Deck	
13532	Hazelton, John	290 Aurora St	Er. Deck	(V/L)
13533	Rizzo, Charles	704 Ransom Rd	Er. Shed	
13534	Hire Ground	1 Avian Way	Er. Deck	
13535	Holland Engraving	1 Lancaster Pkwy	Er. Sign	
13536	Avalon Services	639 Eric St	Er. Pool-Abv Grnd	
13537	Biracree, Thomas	1122 Penora St	Er. Shed	
13538	Heritage Fence Co	1122 Penora St	Er. Fence	
13539	Heritage Fence Co	133 Irwinwood Rd	Er. Fence	(V/L)
13540	KCM Custom Built	210 Brunck Rd	Er. Shed	
13541	Decks Etc	St Anthony St	Er. Gazebo	
13542	S & S Construction	339 Westwood Rd	Er. Dwlg.-Sin.	
13543	Forbes-Capretto Homes	1 Muirfield Ln	Er. Dwlg.-Sin.	
13544	City Fence Inc	482 Pleasant View Dr	Er. Fence	
13546	Pietras Builders Inc	144 Siebert Rd	Er. Res. Add.	
13547	Schiffler, Tim	350 Lake Ave	Er. Dwlg.-Sin.	
13548	Iroquois Fence Inc	2 Hillside Pky	Er. Fence	
13549	Mussehl, Bruce	3 Sugar Mill Ct	Er. Gazebo	
13550	Rich Pools	11 Stream View Ln	Er. Pool-Abv Grnd	
13551	Rich Pools	25 Kelly Ann Dr	Er. Pool-Abv Grnd	
13552	Silvan Pool & Const	10 Hidden Trl	Er. Pool-In Grnd	

13553	Avalon Services	69 Country Pl	Er. Pool-Abv Grnd	
13554	Duro-Shed Inc	20 Monroe Ave	Er. Shed	
13556	Rich Pools	12 Stream View Ln	Er. Pool-Abv Grnd	
13557	J.M. LeFauve	9 Running Brook Dr	Er. Deck	
13558	Berent, James	17 Fox Trace	Er. Deck	
13559	Hoffman, James	600 Harris Hill Rd	Er. Deck	
13560	Iroquois Fence Co	36 Stream View Ln	Er. Fence	
13561	Hahn, David	30 Brandel Ave	Er. Shed	(V/L.)
13562	Iroquois Fence Inc	16 Parkedge Dr	Er. Fence	
13563	Ulrich Sign Co	6729 Transit Rd	Er. Sign-Wall	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

April 17, 2006  
File: Rbldg2

## COMMUNICATIONS & REPORTS:

209. Supervisor to Rebecca Baynes -  
Letter regarding Verizon and the installation of a fiber optic network within the Town. DISPOSITION = Received & Filed
210. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Comments from the Town Forestry Department regarding the site plan for proposed Alberti Landscaping warehouse, s/s Erie Street. DISPOSITION = Received & Filed
211. Village of Lancaster to Town Board -  
Minutes of meeting held March 13, 2006. DISPOSITION = Received & Filed
212. General Crew Chief to Town Board -  
Notice of Public Informational Meeting regarding the Heritage Trail to be held Tuesday, April 18, 2006, 7:00 PM at the Senior Center. DISPOSITION = Received & Filed
213. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation regarding proposed Thomann Mini Storage, 56 Gunnville Road; comments noted. DISPOSITION = Planning Committee
214. General Crew Chief to Supervisor -  
Invitation to twelfth annual "March in the Park" to be held Saturday, April 29th. DISPOSITION = Received & Filed
215. Town Clerk to Town Board -  
Transmittal of second settlement of 2006 County/Town Tax Warrant. DISPOSITION = Received & Filed
216. Town Clerk to Town Board -  
Transmittal of monthly report for March 2006. DISPOSITION = Received & Filed
217. Depew Union Free School District to Town Clerk -  
Transmittal of resolution authorizing acceptance of partial payments of School Taxes. DISPOSITION = Received & Filed
218. Highway Superintendent to Town Board -  
Request to hire seasonal employees. DISPOSITION = Resolution 4/17/06
219. Highway Superintendent to Town Board -  
Request resolution to deem 1999 Hyundai wheel loader as surplus equipment and request for bids to purchase a leaf loader. DISPOSITION = Resolution 4/17/06
220. Supervisor to NYS Senator Dale Volker -  
Letter regarding Verizon's possible installation of telecom network and the municipality's right to collect franchise fees. DISPOSITION = Received & Filed
221. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding proposed Rental Building, Alberti Landscaping, s/s Erie Street. DISPOSITION = Received & Filed
222. General Crew Chief to Supervisor -  
Request to hire seasonal employees. DISPOSITION = Resolution 4/17/06
223. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held April 5, 2006. DISPOSITION = Received & Filed

224. Planning Board to Town Board -  
Recommend approval of proposed Alberti Landscaping warehouse, s/s Erie Street; conditions noted. DISPOSITION = Planning Committee
225. Planning Board to Town Board -  
Recommend denial of rezone petition for Miniature Golf Course, 5352 - 5354 Genesee Street. DISPOSITION = Planning Committee
226. Planning Board to Town Board -  
Recommend approval of site plan for proposed Mini-Storage Buildings, w/s Gunnville Road; conditions noted. DISPOSITION = Planning Committee
227. Beth A. Grant to Supervisor -  
Letter of gratitude for the service of Lancaster Volunteer Ambulance Corps. DISPOSITION = Received & Filed
228. Supervisor to Beth A. Grant -  
Reply to letter regarding Lancaster Volunteer Ambulance Corps. DISPOSITION = Received & Filed
229. Lancaster Rural Cemetery Association to Supervisor, Town Board -  
Letter of appreciation for financial assistance and offer to meet with the Town Board. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED,** the meeting was adjourned at 9:06 P.M.  
in memory of Michael Violante.

Signed   
Johanna M. Coleman, Town Clerk